

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--|---|----------------------------|
| In re: |) | |
| Diana M. Onifer |) | Case No.: 16-22349 CMB |
| Michael S. Onifer |) | Chapter 13 |
| Debtor(s) |) | |
| <hr/> | | |
| Ronda J. Winnecour, Chapter 13 |) | Related Doc. Nos.: 72, 106 |
| Trustee, |) | |
| |) | |
| Movant, |) | |
| |) | |
| vs. |) | |
| |) | |
| Wilmington Savings Fund Society, FSB |) | |
| doing Business as Christiana Trust, not |) | |
| in its individual capacity but solely as |) | |
| Trustee for BCAT 2014-4TT, |) | |
| Respondent(s) |) | |

**MODIFIED CONSENT ORDER RESOLVING CHAPTER 13 TRUSTEE'S MOTION TO
COMPEL AND FOR SANCTIONS**


AND NOW, this 21st day of June, 2018, by the Agreement of the Chapter 13 Trustee (the "Trustee") and New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing ("Shellpoint") with regard to the postpetition fees, costs and charges related to mortgage loans serviced by Shellpoint in the Western District of Pennsylvania,* it is hereby ORDERED that:

1. Shellpoint will treat the following postpetition charges as non-recoverable from the debtors or the estate:
 - a. "Door Knock" fees;
 - b. Broker's Price Opinions and Appraisals;
 - c. Late fees;
 - d. Default interest;
 - e. Inspection fees;
 - f. Postponement charges for sheriff's sales;
 - g. Attorney's fees for plan review;

*This is the Agreement of the parties and does not represent findings or determinations of this Court. Should a dispute arise regarding this Agreement and its effect in any other proceeding in this District, the implementation shall be subject to the assigned Judge's assessment of the parties' Agreement. However, the Agreement shall only be binding before the Undersigned.

- h. Attorney's fees for objections to confirmation except in unusual or complex cases¹; and
 - i. Legal fees resulting from defending litigation initiated by the Trustee.
- 2. Shellpoint will provide the Trustee with a single point of contact. Shellpoint currently designates Mr. Bruce Coleman as the single point of contact. Shellpoint may change the identity of the single point of contact upon written notice to the Trustee.
 - 3. Any postpetition attorney's fees charged to the estate will only be paid by the estate for the actual time in accord with the "lodestar" method.
 - 4. Shellpoint will not file postpetition fee or expense notices identifying pre-petition obligations.

BY THE COURT:



Carlota M. Bohm

U.S. BANKRUPTCY JUDGE

FILED
6/21/18 10:24 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

Consented to:

/s/ Ronda J. Winnecour (with permission by Harry A. Readshaw)

Ronda J. Winnecour (PA I.D. #30399)

Attorney and Chapter 13 Trustee

U.S. Steel Tower – Suite 3250

600 Grant Street

Pittsburgh, PA 15219

(412) 471-5566

cmecf@chapter13trusteewdpa.com

¹ For example, no fees will be charged to the estate with respect to objections to confirmation based upon a proof of claim, as it is understood that (absent a successful claim objection) a proof of claim will control with respect to confirmed plans in this district.

/s/ Harry A. Readshaw

Harry A. Readshaw (PA I.D. #204287)
Attorney for New Penn Financial LLC d/b/a
Shellpoint Mortgage Servicing
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
(412) 566-6010
hreadshaw@eckertseamans.com
*Counsel to Wilmington Savings Fund Society,
FSB doing Business as Christiana Trust, not
in its individual capacity but solely as
Trustee for BCAT 2014-4TT and
New Penn Financial, LLC d/b/a
Shellpoint Mortgage Servicing*

/s/ Bruce Coleman (with permission by Harry A. Readshaw)

Bruce Coleman
Bankruptcy Senior Manager
Shellpoint Mortgage Servicing
75 Beattie Place, Suite 300
Greenville, SC 29601
(864) 312-4972
bruce.coleman@shellpointmtg.com

/s/ William E. Miller (with permission by Harry A. Readshaw)

William E. Miller (PA I.D. #308951)
Stern & Eisenberg, PC
1581 Main Street, Suite 200
Warrington, PA 18976
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*Counsel to Wilmington Savings Fund Society,
FSB doing Business as Christiana Trust, not
in its individual capacity but solely as
Trustee for BCAT 2014-4TT and
New Penn Financial, LLC d/b/a
Shellpoint Mortgage Servicing*

In re:
Diana M Onifer
Michael S Onifer
Debtors

Case No. 16-22349-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: kthe
Form ID: pdf900

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jun 21, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 23, 2018.

cr Shellpoint Mortgage Servicing, Attn: Edwin Hugh Russell, II, PO Box 10826,
Greenville, SC 29603-0826

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 23, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 21, 2018 at the address(es) listed below:

Harry A. Readshaw on behalf of Creditor WILMINGTON SAVINGS FUND SOCIETY, FSB, doing business as CHRISTIANA TRUST, not in its individual capacity but solely as Trustee for BCAT 2014-4TT
hreadshaw@eckertseamans.com, readshaw4@yahoo.com

Harry A. Readshaw on behalf of Creditor Wilmington Savings Fund Society, FSB, doing business as Christiana Trust, not in its individual capacity, but solely as trustee for BCAT 2014-4TT
hreadshaw@eckertseamans.com, readshaw4@yahoo.com

Harry A. Readshaw on behalf of Interested Party New Penn Financial LLC d/b/a Shellpoint Mortgage Servicing
hreadshaw@eckertseamans.com, readshaw4@yahoo.com

James Warmbrodt on behalf of Creditor WILMINGTON SAVINGS FUND SOCIETY, FSB, doing business as CHRISTIANA TRUST, not in its individual capacity but solely as Trustee for BCAT 2014-4TT
bkgroup@kmlawgroup.com

Jeffrey S. Golembiewski on behalf of Debtor Diana M Onifer jgolembiewski@yahoo.com,
denisegole@yahoo.com

Jeffrey S. Golembiewski on behalf of Joint Debtor Michael S Onifer jgolembiewski@yahoo.com,
denisegole@yahoo.com

Joshua I. Goldman on behalf of Creditor WILMINGTON SAVINGS FUND SOCIETY, FSB, doing business as CHRISTIANA TRUST, not in its individual capacity but solely as Trustee for BCAT 2014-4TT
bkgroup@kmlawgroup.com

Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour cmecf@chapter13trusteedpa.com

S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com

William E. Miller on behalf of Creditor WILMINGTON SAVINGS FUND SOCIETY, FSB, doing business as CHRISTIANA TRUST, not in its individual capacity but solely as Trustee for BCAT 2014-4TT
wmiller@sterneisenberg.com, bkecf@sterneisenberg.com

TOTAL: 11